



PLANNING COMMISSION SYNOPSIS

Wednesday, January 16, 2008

6:30 p.m. Regular Meeting

Council Chambers
First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Ash Kalra, Chair
Randi Kinman, Vice-Chair

Xavier Campos Lisa Jensen
Matt Kamkar Christopher Platten
Jim Zito

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Ash Kalra** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, January 16, 2008**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4.a., not PD06-023.**

The procedure for this hearing is as follows:

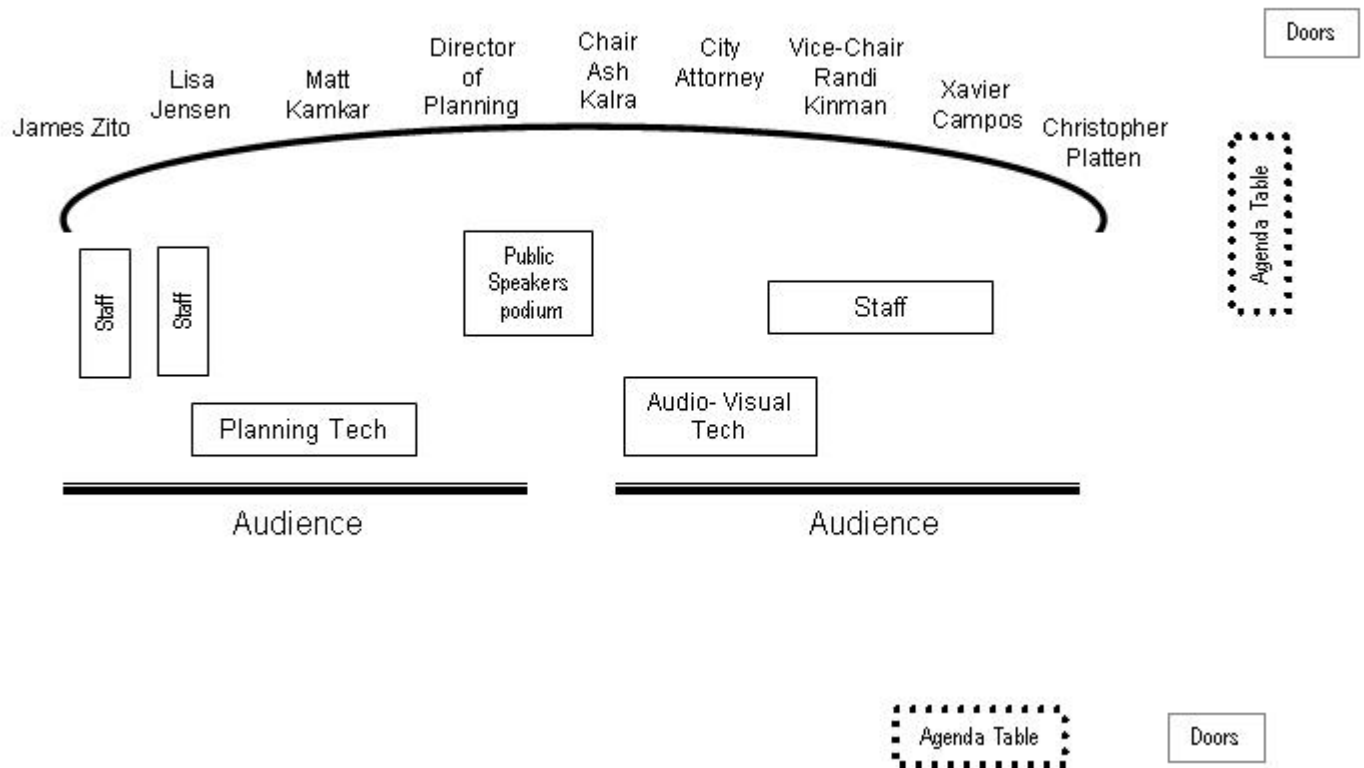
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Carmen Stanley at (408) 535-7856 or email carmen.stanley@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoseca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:
http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA

ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **FINAL ENVIRONMENTAL IMPACT REPORT FOR PARK VIEW TOWERS.** (File Nos. **H05-029, HP05-002, & HP05-003**) to construct up to 208 dwelling units and 16,700 square feet of retail/commercial office space (including space in live/work units) in two high-rise tower structures, approximately 200 feet and 150 feet tall, respectively; demolish two structures, one of which is the Letcher's Garage structure, which is listed as a National Register Structure and as a Contributing Structure to the St. James Square National Register and City Landmark Districts; and rehabilitate approximately 6,000 square feet of commercial space in the existing First Church of Christ Scientist Building, which is listed as a National Register Site, as a Contributing Structure to the St. James Square National Register and City Landmark Districts, and as a Structure of Merit on the City's Historic Resources Inventory on an approx. 1.8 acre site, located on the block bounded by N. 1st, St. James, N. 2nd, and Devine Streets, in the Residential Support for the Core (25+ DU/AC) General Plan designation and DC Downtown Primary Commercial Zoning District (SCH # 2006032042). Circulated September 28, 2007 to November 13, 2007. Deferred from 12/10/2007. *PROJECT MANAGER, L.BUTLER*

DROPPED - TO BE RENOTICED (6-0-1; PLATTEN ABSENT)

- c. **PD07-035.** APPEAL by the applicant of the Planning Director's decision to approve a Planned Development Permit to allow entertainment and drinking establishment uses at an existing restaurant/bar (Rosie McCann's Irish Pub Restaurant) specifically related to the hours of operation after midnight hours (until 2:00 a.m. 7 days a week) on a 1.40 gross acre site in the A(PD) Planned Development Zoning District at the northwest corner of Santana Row and Olin Avenue (355 Santana Row)(Federal Realty, Owner). Council District: 6. SNI: None. CEQA: Reuse of an EIR. *PROJECT MANAGER, S.MALLICK*

DEFERRED TO 01-30-08; (6-0-1; PLATTEN ABSENT)

3. CONSENT CALENDAR

- a. The projects being considered are located on the south side of Stauffer Boulevard, approximately 750 feet westerly of Monterey Road (1919 Monterey Rd), in the IP Industrial Park Zoning District (Golden Land Development, owner). Council District: 7. SNI: None. CEQA: Exempt. *PROJECT MANAGER, C.BURTON*

- 1) **SP07-074**. Special Use Permit to allow medium manufacturing use (winemaking) and incidental retail in a portion of an existing building on a 4.3 gross acre site.

APPROVED (6-0-1; PLATTEN ABSENT)

- 2) **CP07-087**. Conditional Use Permit to allow the off-sale of alcoholic beverages appurtenant to the winemaking use, in a portion of an existing building on a 4.3 gross acre site.

APPROVED (6-0-1; PLATTEN ABSENT)

- b. **PDC07-037**. Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to six single-family detached residences on a 1.09 gross acre site, located on the east side of Almaden Road, approximately 450 feet south of McKean Road (19600 Almaden Rd)(Mike Masoumi, owner/developer). Council District: 10. SNI: None. CEQA: Exempt. *PROJECT MANAGER, M.STAHLHUT*

RECOMMENDED APPROVED (6-0-1; PLATTEN ABSENT)

- c. **CP07-074**. Conditional Use Permit request to allow an entertainment establishment (Karaoke) to an existing legal non-conforming drinking establishment (Red Stag Lounge) on a 0.19 gross acre site in the CP Pedestrian Commercial Zoning District, located on the north side of West San Carlos Street, approximately 70 feet westerly of Menker Avenue (1711 W San Carlos St)(Barry and Linda Furtado, Trustee, owner). Council District: 6. SNI: Burbank/DelMonte. CEQA: Exempt. *PROJECT MANAGER, S.MALLICK*

DEFERRED TO 01-30-08; (6-0-1; PLATTEN ABSENT)

4. PUBLIC HEARINGS

- a. **PDC05-123**. Planned Development Rezoning from R-M Multi-Family Residential District to A(PD) Planned Development Zoning District to allow office uses in an existing single-family residence on a 0.13 gross acre site, located on the north side of East Taylor Street approximately 110 feet east of North Second Street (65 E. Taylor St)(Cary O. Lindstrom, owner). Council District: 3. SNI: None. **CEQA: Incomplete.** *PROJECT MANAGER, L.MCMORROW*

RECOMMENDED DENIAL (6-0-1; PLATTEN ABSENT)

Applicant requested for continuance for 30 days and noted an email response to staff had been sent. Commissioner Zito noted email date was from March 2007. Staff indicated that lack of response to that email was a reason to deny application. Staff further explained non-conformance of proposal to the General Plan main issue, and inactivity is secondary. In response to Commissioner Kamkar, staff explained means used to contact applicant through US Mail. Staff clarified possible permitted home occupations without rezoning, and noted as project is a zoning, the City Council makes final decision, and Commission just recommends.

Commissioner Campos moved recommendation of denial of zoning.

Commissioner Zito noted that even if Council denies the zoning, applicant can reapply for a different zoning that does conform to General Plan.

- b. [PDC06-091](#). Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow one existing and one new single-family detached residence on a 0.17 gross acre site, located on the west side of S. 22nd Street, approximately 400 feet northerly of East San Fernando Street (29 S 22nd St)(Pedro C. Rosales, owner; Pedro Camacho, developer). Council District: 3. SNI: Five Wounds/Brookwood Terrace. **CEQA: Incomplete.** *PROJECT MANAGER, L.MCMORROW*

WITHDRAWN BY APPLICANT (6-0-1; PLATTEN ABSENT)

5. EARLY CONSIDERATION OF A GENERAL PLAN AMENDMENT

- a. [General Plan Amendment \(File No. GP07-10-01\)](#). Request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2.0 DU/AC) to Medium Low Density Residential (8.0 DU/AC) on a 1.82 gross acre site located on the east side of Almaden Expressway approximately 300 feet northerly of Fleetwood Drive (6082 Almaden Expwy, Ben and Tom Mazzone, owners/applicants). APN: 696-01-020. Council District: 10. SNI: None. CEQA: Incomplete. *PROJECT MANAGER, L.MCMORROW*

RECOMMENDED CONTINUE TO PROCESS (6-0-1; PLATTEN ABSENT)

In response to Commissioner Zito, applicant indicated he understood if the General Plan Amendment continues to be processed, more time and expense could be incurred.

In response to Commissioner Zito regarding site access challenges, staff confirmed could have same issues at reduced scale even with just 3 units, and clarified other rationales for recommendation for denial. Commissioner Zito asked whether Riparian Corridor policy could be maintained with more than 2 units and staff indicated no design work had occurred to date. In response to Commissioner Kalra, staff clarified that Water District indicates above-grade utilities could affect ability to work out details of acceleration/deceleration lanes. In response to Commissioner Kamkar, staff explained project to north approved with 75-foot setback, not 100-feet as in Policy, but this proposal is for less setback. Staff further clarified that General Plan for project to north was already 8 DU/AC and did not need a General Plan change to increase density, and that although access recommendation by staff was off of Fleetwood, other property owners need to work together with engineers to come up with solution for remaining properties. Staff clarified that applicant could apply any time for new proposal. In response to Commissioner Zito, City Attorney indicated not timely to have Commissioner consider other density ranges for approval of General Plan Amendment, and commented if Commission wants to consider options, should recommend "continue to process".

6. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
- 1) Responding to statements made or questions posed by members of the public; or
 - 2) Requesting staff to report back on a matter at a subsequent meeting; or
 - 3) Directing staff to place the item on a future agenda.

NONE.

7. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NONE.

8. GOOD AND WELFARE

a. Report from City Council

Report given on general Plan hearings and zonings from December Council Meeting.

b. Commissioners' report from Committees:

1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).

No report as no meeting occurred.

2) Coyote Valley Specific Plan (Platten).

Platten absent, no report.

3) Parks Funding Subcommittee (Zito).

Meeting to be planned for subcommittee.

4) Envision San José 2040 General Plan Update Process (Kamkar).

Next meeting is on January 24, 2008.

c. Review of synopsis for 12/10/07.

APPROVED (6-0-1; PLATTEN ABSENT)

d. Consider Study Session dates and/or topics.

ADDED STUDY SESSIONS (6-0-1; PLATTEN ABSENT)

January 30, 2008 – Subcommittee on Planning Commission bylaws update to meet – NO Study Session.

February 13, 2008 – Review and Comment on Planning Department Website.

March 12, 2008 – CEQA and EIRs

March 26, 2008 - Inclusionary Housing

Note: Study Session on Riparian Corridor Policy to be scheduled.

9. ADJOURNMENT

2008 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	Council Chambers
<i>February 13</i>	<i>5:00 p.m.</i>	<i>Study Session</i> <i>Review and Comment Planning Department Website</i>	<i>Room T-332</i>
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	6:30 p.m.	Regular Meeting	Council Chambers
<i>March 12</i>	<i>5:00 p.m.</i>	<i>Regular Meeting</i> <i>CEQA and EIRs</i>	<i>Room T-332</i>
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	6:30 p.m.	Regular Meeting	Council Chambers
April 9	6:30 p.m.	Regular Meeting	Council Chambers
April 23	6:30 p.m.	Regular Meeting	Council Chambers
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	Council Chambers
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	6:30 p.m.	Regular Meeting	Council Chambers
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	6:30 p.m.	Regular Meeting	Council Chambers
November 19	6:30 p.m.	Regular Meeting	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers